

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT JAMES CONANT,

Plaintiff,

v.

**NOBLE CORRECTIONAL
INSTITUTE, *et al.*,**

Defendants.

Case No. 2:23-cv-1148

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Caroline H. Gentry

ORDER

Plaintiff, Robert James Conant, an inmate at the Noble Correctional Institution (“NCI”) who is proceeding without counsel, brings this civil rights action under 42 U.S.C. § 1983. (ECF No. 1.) This matter is before the Court on the Order and Report and Recommendation issued by the Magistrate Judge on July 19, 2024. (Order and R&R, ECF No. 20.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge’s report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of his right to object to the Order and R&R and of the consequences of failing to do so (ECF No. 20, PageID 124), but did not file a timely objection. Accordingly, Plaintiff waived a de novo review of the Order and R&R.

The Court has reviewed the Order and R&R, agrees with the recommendations stated therein, and **ADOPTS** and **AFFIRMS** the Order and R&R. (ECF No. 20.) For the reasons stated in the Order and R&R, Plaintiff's claims in the Amended Complaint against the newly added Defendants that are unrelated to the March 31, 2021 incident and Plaintiff's equal protection claim against Defendants Freeman and Bishop are **DISMISSED WITHOUT PREJUDICE**. Plaintiff's claims in the Amended Complaint against the newly added Defendants that are related to the March 31, 2021 incident are **DISMISSED WITH PREJUDICE**.

Since Plaintiff's excessive force claims under the Eighth Amendment against Defendants Freeman and Bishop may proceed, there is no need for equitable tolling and Plaintiff's Motion for Leave of Court (ECF No. 17) is **DENIED as moot**.

Finally, for the reasons stated in the Order and R&R, Plaintiff's Motion for Temporary Restraining Order and/or Injunctive Relief (ECF No. 15) is **DENIED**.

This case remains open.

IT IS SO ORDERED.

8/22/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE